

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Adjourned Meeting
April 24, 2001

6:00 p.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 6:07 p.m., Tuesday, April 24, 2001, in the Meeting Room, Yorktown Library, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and H. R. Ashe.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

JOINT MEETING WITH YORK COUNTY PLANNING COMMISSION

Planning Commissioners Present: Spencer W. Semmes, Chairman; Robert E. Beil, Jr.; Robert D. Heavner; Michael H. Hendricks; Thomas G. Shepperd; and Ann F. White.

Chairman Burgett stated it was important that the Board of Supervisors periodically meet with the Planning Commission to discuss ideas for the community, and they wished to cover the following areas this evening:

- WCI (Marinas) Text Amendment
- Comprehensive Plan (Chesapeake Bay Act) Amendments
- Yorktown Historic District and Architectural Guidelines
- Zoning Ordinance Review

Mr. J. Mark Carter, Planning and Zoning Manager/Zoning Administrator, discussed the need for the Planning Commission to make its recommendation on the WCI text amendment no later than May 9 for the Board of Supervisors to consider action on June 5. He stated that tomorrow night the Planning Commission would be considering some amended text that would require a permit for any eating facility in a marina.

Mrs. Noll asked if the Planning Commission could decide to take no action.

Mr. Carter indicated it could.

Chairman Burgett stated he would like the Planning Commission to give the Board something. The application has been around for 90 days, and the Board needs to take action. If amendments are needed to the Planning Commission recommendation, the Board can make them.

Mr. Wiggins indicated he would also like to receive a recommendation from the Planning Commission on this controversial issue.

Mr. Barnett reminded the Board that non-action is deemed "approval".

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Chairman Burgett noted there needs to be a recommendation and action by the Board because the County doesn't want to end up with the original plan for the Dare Marina.

Mr. Wiggins asked how the Dare Marina stood with its permits.

Mr. Carter stated staff was still waiting for clarification of the VDOT comments on the plans regarding the size of the eating facility.

Mr. McReynolds indicated he had talked with John Hudgins who found out that VDOT is now waiting on some information back from the applicant, and the applicant is aware that the County is waiting for the information.

Discussion followed concerning how the number of parking spaces for such a facility are determined.

Mrs. White noted she was constantly getting mail from residents of Seaford concerning the location of the restaurant on the property, and she had also heard that the Dare Marina had purchased additional property around the marina.

Mr. Carter explained the location of the restaurant on the building plans.

Mr. Zaremba asked if there was a standard set of criteria that must be met in order for the Board of Supervisors to grant a use permit.

Mr. Barnett stated the assumption is that no one is entitled to a use permit unless they can convince the Board that it makes sense. For different kinds of uses in different zones, there are performance measures that must be met.

Mr. Zaremba indicated the Board should be able to get the County ordinance amended before very long so that it can be used subsequent to the Dare Marina issue.

Mr. Barnett stated this is what Mr. Carter is working on at present. The Planning Commission asked that staff beef up the draft ordinance to incorporate precise criteria and guidelines on sizing a restaurant at a marina, lighting requirements, and requiring a use permit.

Mrs. Noll asked if proffers could be used.

Mr. Barnett stated a use permit can be issued with reasonable conditions, but not proffers.

Mr. Semmes indicated the conditions could be tailored for a specific district.

Mr. Carter noted staff was working toward some basic standards so that through the use permit process the Board of Supervisors would have the ability to tailor conditions above and beyond to address unique characteristics of the location.

Mr. Ashe suggested a committee be established consisting of three marina operators and three residents to evaluate the criteria before it comes to the Planning Commission or the Board.

Chairman Burgett indicated that had been done; five citizens and four marina owners had been recommended.

Mr. Carter stated that once a redraft was developed for the Planning Commission next week, he would take the liberty to meet with those recommended marina operators and citizens, get their feedback, and pass it along to the Planning Commission, if there is time before the Planning Commission makes its report to the Board, or at least to the Board by the time it needs to make a decision.

Mr. Ashe asked if the Board could give the Planning Commission more time.

Chairman Burgett indicated the Board did not have to act immediately, but the Planning Commission did have a time limit.

Discussion followed.

Mr. Ashe stated the important thing to him was that input be received from the people who are the most impacted by this development. He reiterated his question about whether or not a committee had been appointed.

Mr. Shepperd stated at the last Planning Commission meeting the Commission addressed the issue of having a subcommittee to look at this amendment. The point brought out at the meeting was that the County already has a staff, and the Planning Commission represents the community.

Further discussion ensued concerning an appointed committee to review the marina text amendment as well as ways to delay recommendation and action on the text amendment.

Mr. Ashe stated he felt the Board needed to set a time table to get a committee going. If the Planning Commission needs more time, the Board needs to make that happen.

Chairman Burgett stated he would still like to see something come back from the Planning Commission on this amendment. He indicated his constituents want an answer. The Board and staff have been trying to get the citizens to participate; there are a lot of people who do not show up at the Planning Commission hearings but do come to the Board meetings. He stated staff was addressing citizen input at the same time with the Planning Commission work, and adjustments can be made at the Board level. Chairman Burgett asked the Board for a consensus as to how to proceed on this issue.

Mr. Zaremba stated he would like to see a first draft come before the Board as soon as possible, and he didn't see the issue as being that big of a task. He stated he had a mixed opinion on the citizen committee, indicating he was not sure it was needed at the Board level. Mr. Zaremba stated what will happen is that there will be citizens on both sides, and the question will be whether or not there can be any compromise.

Mr. Wiggins noted he understood Chairman Burgett's position in that he, too, had four or five marinas coming up in his district. If the Board sets new guidelines that would cover the second plan, Mr. Wiggins stated he felt the Board would wind up in court. He stated the Board needed to get a committee set up and have them reporting to the Planning Commission.

Mrs. Noll also indicated she tended to agree with Mr. Wiggins and Mr. Ashe, stating she would prefer that the amendment not be made piecemeal. She stated she would like to have a great deal of input on this issue.

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Mr. Semmes stated the Planning Commission would do whatever the Board charged it to do. He stated the Commission would get the amendment out in 90 days if the Board wants it. A special meeting could be held to give the issue more time. Mr. Semmes volunteered to sit on the committee. He stated that ideally he would like an extra 30 days.

Mr. Beil stated he would like to get something out to the Board for its input and suggestions. If the Board wants it adjusted, that is the Board's prerogative; and the calendar can start again.

Discussion followed regarding the establishment of a committee to review the marina amendment that would consist of Commission members, citizens, and marina owners.

By consensus it was agreed that the committee would be established on May 2 at the Planning Commission meeting.

Mr. Carter then addressed the Chesapeake Bay Preservation Area Comprehensive Plan amendments, stating York County was one of the first localities to get its plan approved back in 1993 subject to the County incorporating provisions dealing with possible sources of groundwater contamination and a remediation strategy; shoreline erosion and streambed erosion; and appropriate density of docks and piers and public and private water access facilities. He indicated these conditions were not satisfactorily met when the Comprehensive Plan was adopted in 1999, and staff has been working to develop and coordinate acceptable amendments before the June 30, 2001, deadline. The Planning Commission will consider the amendments on May 2 and conduct a public hearing on them on May 9. Mr. Carter next addressed the Yorktown Historic District and Architectural Design Guidelines, stating the Planning Commission was currently reviewing a proposed Yorktown Historic District Zoning Ordinance text amendment as well as the accompanying proposed architectural guidelines. The Planning Commission has conducted one work session on the proposals and an information session for the benefit of Yorktown residents, but the proposals are now on hold until the Commission has an opportunity to clear some of the other issues on its schedule. He stated this was another topic on which the Board of Supervisors might wish to establish a review committee.

Discussion followed on the input received from the informational meeting held for residents.

Mr. Zaremba noted that he and other Board members had received calls from Mr. J. R. O'Hara, a long-time resident in Yorktown, indicating a citizens committee meeting was scheduled for this coming Thursday at 4:00 p.m. in the East Room of York Hall to discuss the location of the pier and the Historic District Architectural Guidelines as well as other resident concerns.

At this time the Board and Planning Commission discussed other topics of concern, and future action, some of them being:

- Accessory apartments
- Gasoline/convenience stores in the General Business District
- Development lighting
- Signage
- Tattoo parlors
- Shortage of personnel in the Planning Division
- Site plan approval timing
- Route 17 improvements

Mr. Semmes asked if there was a schedule for when the Planning Commission would be getting back to its work on the Zoning Ordinance amendments.

Mr. Carter stated it was a top priority once it gets through the marina and Chesapeake Bay Act amendments. He indicated that as an interim measure there will probably be recommendations for some housekeeping amendments. He suggested that the Planning Commission and Board of Supervisors set a goal of considering housekeeping amendments to the Zoning Ordinance once a year as the Board does with other policy reviews.

Meeting Adjourned. At 7:37 p.m. Chairman Burgett declared the meeting adjourned to 5:00 p.m., Wednesday, April 25, 2001, in the East Room, York Hall, for the purpose of conducting a closed meeting for the purpose of interviewing candidates for the position of County Administrator.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors